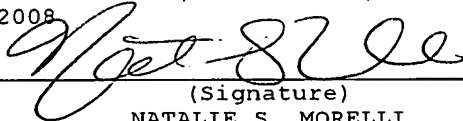SONYJP 3.0-093
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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| In re patent application of <br> Hajime Inoue | :   Confirmation No. 9975 |
| | : |
| Serial No. 09/466,279 | :   Group Art Unit: 2623 |
| | : |
| Filed: December 17, 1999 | :   Examiner: Rueben M. Brown |
| | : |
| For: RECEIVING SYSTEM FOR DIGITAL | : |
| BROADCASTING AND RECIVING | : |
| APPARATUS FOR DIGITAL BROADCASTING   x | |

MS Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA  22313-1450


## APPLICANT'S REPLY BRIEF


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NATALIE S. MORELLI
(Typed or Print Name of Person Signing Certificate)

This Reply Brief is submitted in response to the Examiner's Answer mailed January 25, 2008. The brief is particularly directed to the section of the Examiner's Answer entitled "Response to Argument." (Examiner's Answer Section 10). In addition, Appellant's responses for the most part address each of the Examiner's arguments in turn as they appear in the Examiner's "Response to Argument" section.

## I.    EQUATION OF NODE REFERENCE ID WITH UNIQUE NODE ID

The Examiner indicates in his Answer that the only issue is whether the node reference ID of Staats reads on the unique node identification number recited in the claims of Appellant's application. (Answer, page 10, ¶ 1). While Appellant agrees that the Examiner has appropriately found the issue, Appellant does not agree with the Examiner's interpretation of Staats.

Appellant initially notes the Examiner's agreement that "the node base address of Staats. . . conceptually corresponds with the claims 'unique node identification number.'" (Answer, page 10, ¶ 4).

This statement highlights the major flaw in the Examiner's reasoning and the gist of Appellant's contention that Staats does not read on the claimed invention. In particular, each of the two independent claims in the application recite "allocating unique node identification numbers to said selected devices . . . storing a record of said unique identification number allocated to said selected device and maintaining said record regardless of whether said selected device remains connected . . . "

Because, as acknowledged by the Examiner, Staats' base address "corresponds" to the claimed unique node identification number, but "during a bus reset this value is not maintained," (emphasis added) the Examiner cannot support his rejection of the above-quoted portion of the claims by relying on Staats' base address. Accordingly, for the

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"maintaining" portion of the claim, the Examiner abandons his reliance on Staats' base address, instead pointing to Staats' node reference ID.  However, Staats' node reference ID is not allocated to a selected device, and thus fails to read on the "allocating" portion of the claim.  Therefore, the Examiner improperly supports his rejection by interpreting "unique node identification number" differently from one limitation to the next.    In  fact,  the  Examiner  interprets  "unique  node identification  number"  as  two  entirely  different  items  in Staats:   node base address for 95% of the claim; and node reference ID for the remaining 5% of the claim.  Although for examination purposes claims are generally construed broadly, they must also be construed consistently.  Either the base address corresponds with the unique node identification number or it does not for the entire claim.  In this regard, the Examiner's argument is incongruous.

Further, although the Examiner agrees that the node base address of Staats is not maintained after a bus reset, in contrast to a record of the unique node ID, the Examiner appears to argue that the node base address reads on the claimed unique node ID because the node base address is a logical node, and the claims of the present application are not limited to the IEEE 1394 protocol.  (Answer, page 11, ¶ 1).    Appellants  do  not  follow  this  argument,  and  cannot understand how failure to limit claims to the IEEE 1394 protocol is relevant in any way.

Moreover, despite the Examiner's acknowledgement that the node base address of Staats is conceptually equivalent to the unique node ID of the present claims, the Examiner goes on to argue that the node reference ID of Staats also reads on the unique node ID.  (Answer, page 12, ¶ 1).  As further explained below, clearly the node base address and the reference ID of Staats cannot *both* be equivalent to the unique node ID. Indeed,  plainly  stated  in  *Staats*,  "These  terms  are  not

synonymous." (*Staats*, Col. 2, line 60). Rather, the node base address and the reference ID are different in form and function. Again, this highlights the inconsistency in the Examiner's argument.
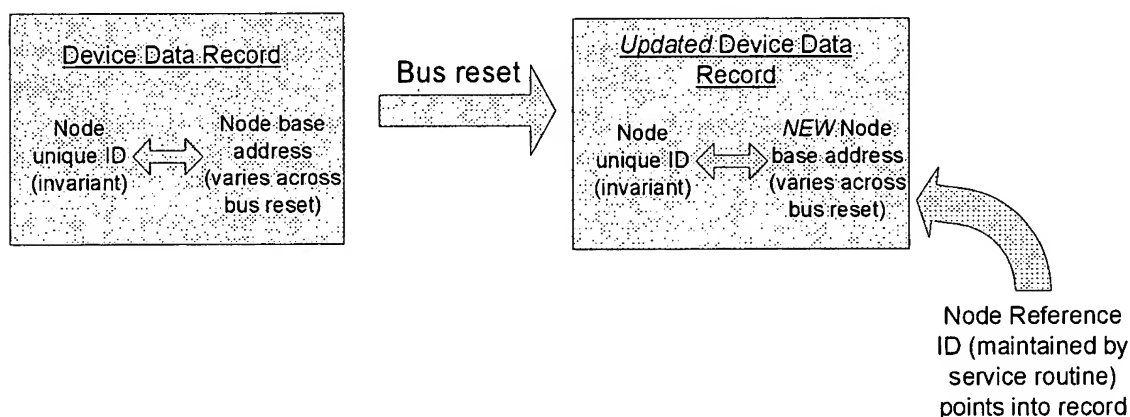
Further, while the Examiner attempts to explain the correlation between the reference ID of Staats and the unique node ID of the present claims, this explanation is flawed. In attempting to explain how the node reference ID of Staats reads on the claims of the present application, the Examiner states, "During a read request between two devices . . . the node reference ID of the destination device is called, wherein at least two of the parameters returned with the node reference ID are the <node> unique ID and node base address." Answer, page 11, ¶ 3 – page 12, ¶ 1). This is not an accurate summary of any part of the system described in Staats, particularly the parts cited by the Examiner.

The portions of Staats cited by the Examiner teach that device data records may be maintained in a computer system including a plurality of nodes. (*Staats*, Abstract; Col. 5, lines 5-10). For each node, the device data record includes a node base address which is associated with a corresponding node unique ID. (Staats, Col. 5, lines 5-7). The node base address is the logical address of the node and is subject to change across bus resets. (Staats, Col. 3, lines 15-20). The node unique ID is the "serial number" of the node, as explained in Appellants brief, and is bus reset invariant. (Staats, Col. 2, lines 63-67).

The node reference ID, created at initialization, is merely a pointer into the device data record. (Staats, Col. 7, lines 6-16). Staats describes that "other software entities (e.g., application programs) are responsible for providing drivers with information regarding the reference IDs of destination nodes." (Staats, Col. 5, lines 14-17). Such software entity is also referred to as a "service routine."

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(Staats, Col. 7, lines 6-16). The service routine maintains records of these reference IDs, but such records are not the same as the device data records which include the node base address and node unique ID. Rather, when the device data records are updated after a bus reset, as illustrated below, the maintained node reference ID is used to point to the updated device data record. (Staats, Col. 8, lines 14-19).



Node Reference ID (maintained by service routine) points into record

Accordingly, the node reference ID of Staats is in no way equivalent to the unique node ID of the present application. The node reference ID merely points to data records. In contrast to the reference ID of Staats, the unique node ID of the present application is a number allocated to selected equipment, registered along with the equipment, and maintained in the register to identify the equipment even after it is disconnected from the bus. That is, the unique node ID identifies the equipment, not data records.

Further, the node base address does not read on the claims of the present application because it is not maintained. Rather, it is updated after each bus reset. Thus, nothing in the entire disclosure of Staats may be seen to read on the unique node ID of the present claims, which is maintained regardless of whether the selected device is connected to the bus.

Despite the significant differences between the reference ID of Staats and the unique node ID of the present application, the Examiner nevertheless asserts that they are equivalent. In an attempt to find support for such comparison, the Examiner raises issues that are not on appeal, and misconstrues statements made by the Appellant.

On page 13 of his Answer, the Examiner attacks the claims of the pending application by stating that "the claimed, 'unique node identification number' is a term that is not found in the specification, drawings nor the original claims." (Answer, page 13, ¶ 2). Accordingly, it seems that the Examiner inserts a 35 U.S.C. §112 rejection into his Answer to further substantiate his position. However, there are no outstanding §112 rejections, and this is not an issue being appealed. Nevertheless, Appellant deemed response to the Examiner's assertion as necessary for clarification.

Appellant and the Examiner have previously discussed support for the term "unique node identification number." During such discussions, Appellant pointed to the original specification's numerous disclosures of "node ID numbers" and "unique ID numbers of the node." (See 11/6/06 Amendment, page 7, ¶ 3 - page 8, ¶ 2; 5/9/07 Amendment, page 8, ¶ 3; 5/21/07 Interview Summary). Ultimately, in response, the Examiner withdrew the rejection under §112, thus conceding proper support for the claim term. Because this rejection has been withdrawn, and the issue is no longer outstanding, Appellant is surprised that the Examiner is now resurrecting this issue in an attempt to support his position. Appellant respectfully submits that these terms ("unique node identification number," etc.) are fully supported by the specification. The record is clear is in that regard.

As for misconstruing the Appellant's statements in the Appeal Brief, the Examiner states in his Answer that:

> "[A]ppellant has also recognized that, 'Specifically, **the reference ID is associated with a *device* data record** including a node base address and a corresponding node unique ID', with specific emphasis placed on *device*."
> (emphasis supplied in Answer)

However, no such "specific emphasis" was supplied in the Appellant's brief. Rather, the Examiner takes the Appellant's statement out of context by emphasizing particular words, and attempts to use this as support for his contentions. That is, the Examiner goes on to state that

> "Appellant admits that the node reference ID is associated with a device, via the device data record construct. Thus whether or not the device drivers in Staats actually interact with the node reference ID is immaterial as to whether the node reference ID is in fact a <unique node identification number>. . ."

However, Appellant made no such admission and Appellant disagrees with this analysis. The Examiner appears to argue that the node reference ID of Staats is stored in the device data record along with the node unique ID and node base address. But, as illustrated and explained above, this is not so. Rather, the node reference ID of Staats is maintained independently of the device data records.

Regardless of the Examiner's interpretation of the Appellant's arguments, these statements still do not logically support the Examiner's assertion that the reference ID is the same as a unique node ID. While the node reference ID may be in some way associated with a device, that does not mean it is

equivalent to a unique node ID.

## II.  CLAIMS 3 & 13

The Examiner does not present new arguments.

## III. CLAIMS 4 & 14

Claims 4 and 14 recite "Wherein said register automatically allocates the same unique node identification numbers to said selected devices when said selected devices are re-connected to said digital interface." The Examiner asserts that "the fact that after a bus reset, the node reference ID in Staats is re-associated with the appropriate device" meets the limitations of claims 4 and 14. However, as explained above, the reference ID of Staats is merely used to point to a data record including a node base address, the address and data record being updated after bus reset. Pointing to an updated record is not the same as "automatically allocating the same" numbers to the selected devices. In fact, the only numbers allocated after a bus reset in Staats are the node base addresses, and the re-allocated numbers are different than those prior to the reset.

## IV. CLAIMS 6 & 16

The Examiner does not present new arguments.

## V.  CLAIMS 9 & 19

In response to the Appellant's indication that Horlander merely discloses maintaining an error log, as opposed to generating a "predetermined warning display" as claimed, the Examiner points to a section of Horlander and asserts that "a variety of warnings" are provided. (Answer, page 17, ¶ 3, citing Horlander, Col. 2, lines 25-45). However, the section of Horlander pointed out by the Examiner merely says that "the user is notified in response to copyright information, program rating information or purchase information." None of this information qualifies as any type of "warning."

The Examiner adds to his argument that given the disclosure of Horlander, providing a warning would have been obvious. However, this contention is not supported at all.

## VI.  CLAIMS 5, 7, 8, 15, 17, & 18
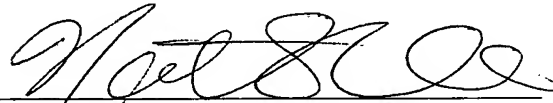The Examiner does not present new arguments.

## VII. CONCLUSION

For all the foregoing reasons, and for the reasons stated in Applicant's brief on appeal, Applicant respectfully requests that the Board reverse the Examiner's rejections of claims 9-190. In addition, justice and fairness require that the Board direct that this application be allowed and/or examined on an expedited basis by a new Supervisory Examiner.

Date:    March 24, 2008          Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

NATALIE S. MORELLI
Reg. No. 58,545
600 South Avenue West
Westfield, NJ 07090-1497
Tel: 908 654 5000
Fax: 908 654 7866

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